

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IVAN DOMINGUEZ,

Plaintiff,

v.

HOWELL, et al.,

Defendants.

Case No. 2:20-cv-00532-APG-DJA

ORDER

On March 8, 2021, this Court entered a screening order permitting Plaintiff's Fourteenth Amendment equal protection claim to proceed against Defendant Chris Weidick. (ECF No. 5 at 6). The Court stayed the case for 90 days to give Plaintiff and Weidick an opportunity to settle their dispute before the filing fee was paid, an answer was filed, or the discovery process began. (*Id.*). The Court noted that although the complaint described Weidick as a teacher with the Clark County School District, it appeared that Plaintiff was alleging that Weidick was also paid by NDOC to teach classes to inmates in his off hours. (*Id.* at 3, n.1.) The Court directed the Attorney General's Office to notify the Court whether it would enter a limited notice of appearance on behalf of Weidick for the purpose of settlement. (*Id.* at 9).

On March 31, 2021, the Attorney General's Office informed the Court that it would not make a limited appearance for the purpose of settlement at this time. (ECF No. 8). The Attorney General's Office did not explain why it would not make a limited appearance. As such, it remains unclear to the Court whether Defendant Weidick is or was a state employee or whether the Attorney General's Office will represent Weidick if this case proceeds to litigation.

In light of the Attorney General Office's notice, the Court now orders the Attorney General's Office to file a notice with the Court within 30 days explaining whether Defendant Weidick is or was a state employee, whether it will defend Weidick in this action, and whether it has a last known address for Weidick. If the Attorney General's

1 Office will not represent Weidick, but it has a last known address for Weidick, the Attorney
2 General's Office shall file, under seal, but shall not serve the inmate Plaintiff, Weidick's
3 last known address. If Weidick's last known address is a post office box, the Attorney
4 General's Office shall attempt to obtain and provide Weidick's last known physical
5 address.

6 If the Attorney General's Office does not enter a notice of appearance within 30
7 days, the Court will issue an order that: (1) removes this case from the early inmate
8 mediation program, (2) rules on the application to proceed in forma pauperis, and (3)
9 begins the service process with the U.S. Marshal's Office.

10 For the foregoing reasons, **IT IS ORDERED** that:

11 1. Within 30 days from the date of this order, the Attorney General's Office
12 shall file a notice with the Court explaining whether Defendant Weidick is or was a state
13 employee, whether it will defend Weidick in this action, and whether it has a last known
14 address for Weidick.

15 2. If the Attorney General's Office will not defend Weidick, but it does have a
16 last known address for Weidick, within 30 days the Attorney General's Office shall file,
17 under seal, but shall not serve the inmate Plaintiff, Weidick's last known address. If
18 Weidick's last known address is a post office box, the Attorney General's Office shall
19 attempt to obtain and provide the last known physical address.

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21 DATED this 5th day of April 2021.

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23 _____
24 UNITED STATES MAGISTRATE JUDGE
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